

III. REMARKS

Claims 1-20 are pending in this application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Response is proper under 37 C.F.R. §1.116(b) because the Response: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Response.

Applicants initially submit that in the Office Action, claims 6 and 18 are not listed as rejected over the two provided combinations of prior art references. (Please check page 2 and page 4 for the listings of claims rejected.) However, claims 6 and 18 are mentioned in the detailed explanations of the rejection on pages 3 and 4, respectively. Applicants respectfully request clarification and correction with respect to this inconsistency.

In the Office Action, claims 1, 4-5, 7-10, 13-14, 17 and 19-20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kosaka et al. (U.S. Pub. No. 2001/0056486), hereinafter "Kosaka," in view of Pullara et al. (U.S. Pub. No. 2003/0014526), hereinafter "Pullara"; and claims 2-3, 11-12 and 15-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kosaka and Pullara, further in view of Busey et al. (USPN 5,764,916). Applicants respectfully traverse these rejections for the reasons stated below.

First, Applicants submit that the cited prior art does not disclose or suggest each and every claimed feature. For example, the cited prior art does not disclose or suggest, *inter alia*, "the monitor [is] configured to monitor a CSTM server for a command from a management

system posted thereto[.]" as recited in claim 1 and claimed similarly in claims 10 and 14. As the Office admits, Kosaka does not expressly disclose or suggest this feature. (Office Action at page 2). Contrary to the Office's assertion, however, Applicants submit that Pullara does not overcome, *inter alia*, this deficiency of Kosaka. Pullara discloses a session replication system that "utilize[s] a primary server to serve requests from a network client, as well as a secondary server to replicate the session information." (Abstract). In Pullara, "the secondary server or web server actively monitors the primary server in order to determine the status of the primary server[.]" i.e., whether the primary server is connected to the network, or whether the primary server is unable to accept requests. (See page 2, para. 0027.) The secondary server of Pullara, however, does not monitor the primary server for a command from a management system posted thereto because the primary server of Pullara does not post a command, but accepts a request. In addition, the secondary server of Pullara does not monitor the primary server for a command, but monitors the primary server for its status. In view of the foregoing, the suggested combination of Pullara and Kosaka does not disclose or suggest, *inter alia*, "the monitor [is] configured to monitor a CSTM server for a command from a management system posted thereto[.]" Moreover, neither Kosaka nor Pullara discloses or suggests a client-server text messaging (CSTM) server, as the claimed invention does. Accordingly, Applicants respectfully request withdrawal of the rejection.

In addition, neither Pullara nor Kosaka discloses or suggests, *inter alia*, "performing remote computer system management[.]" as included in the claimed invention. The Kosaka system monitors devices on a network regarding their operation states. (See abstract and para. 0004.) The Kosaka system, however, does not manage computer systems. Pullara provides a primary and a secondary server to hold a session for a client, however, neither the primary server

and the secondary server, nor a web server of Pullara manages other servers or computer systems. In view of the foregoing, the suggested combination of prior art does not make the claimed invention obvious.

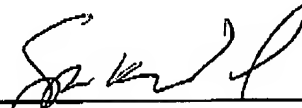
Second, Applicants submit that there is no suggestion or motivation to combine Pullara and Kosaka. Pullara utilizes a primary and a secondary server to avoid storing client data in a persistent place, i.e., a database, to solve the problem of database bottleneck which happens when thousands of clients work simultaneously. (Page 1, para. 0005). However, the Kosaka system does not have the problem where thousands of clients work simultaneously. Kosaka is a network monitoring system (abstract), whose clients are network administrators of limited number (page 1, para. 0007). That is, Kosaka does not have the motivation to adopt the Pullara teaching to avoid storing client data in a persistent place. In addition, the goal of Kosaka is "[to obtain] results of monitoring devices on a network with accuracy." To this end, Kosaka prefers that a database 5 is incorporated in the monitor server 1 to store information. (See page 3, para. 0057.) As such, an adoption of the Pullara teaching of a secondary server into the Kosaka system will make the Kosaka system unsatisfactory for its desired purpose because it will decrease the accuracy in obtaining monitoring results, as the secondary server unnecessarily makes the system complicated. In view of the foregoing, Applicants submit that there is no suggestion or motivation to combine Pullara and Kosaka, and the Office fails to establish a *prima facie* case of obviousness. Accordingly, Applicants respectfully request withdrawal of the rejection.

Claims 2-9 are dependent upon claim 1, claims 11-13 are dependent upon claim 10 and claims 15-19 are dependent upon claim 14. The dependent claims are believed to be allowable based on the above arguments, as well as for their own additional features.

IV. CONCLUSION

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



Spencer K. Warnick
Reg. No. 40,398

Date:

10/26/05

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)